



## APPENDIX

### I. Pertinent Provisions of the Emergency Price Control Act of 1942, as amended:

SEC. 2. (a) Whenever in the judgment of the Price Administrator (provided for in section 201) the price or prices of a commodity or commodities have risen or threaten to rise to an extent or in a manner inconsistent with the purposes of this Act, he may by regulation or order establish such maximum price or maximum prices as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act. So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to the prices prevailing between October 1 and October 15, 1941 (or if, in the case of any commodity, there are no prevailing prices between such dates, or the prevailing prices between such dates are not generally representative because of abnormal or seasonal market conditions or other cause, then to the prices prevailing during the nearest two-week period in which, in the judgment of the Administrator, the prices for such commodity are generally representative), for the commodity or commodities included under such regulation or order, and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Speculative fluctuations, general increases or decreases in costs

of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941: *Provided*, That no such regulation or order shall contain any provision requiring the determination of costs otherwise than in accordance with established accounting methods. Every regulation or order issued under the foregoing provisions of this subsection shall be accompanied by a statement of the considerations involved in the issuance of such regulation or order. As used in the foregoing provisions of this subsection, the term "regulation or order" means a regulation or order of general applicability and effect. Before issuing any regulation or order under the foregoing provisions of this subsection, the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation or order, and shall give consideration to their recommendations. In the case of any commodity for which a maximum price has been established, the Administrator shall, at the request of any substantial portion of the industry subject to such maximum price, regulation, or order of the Administrator, appoint an industry advisory committee, or committees, either national or regional or both, consisting of such number of representatives of the industry as may be necessary in order to constitute a committee truly representative of the industry, or of the industry in such region, as the case may be. The committee shall select a chairman from among its members, and shall meet at the call of the chairman. The Administrator

shall from time to time, at the request of the committee, advise and consult with the committee with respect to the regulation or order, and with respect to the form thereof, and classifications, differentiations, and adjustments therein. The committee may make such recommendations to the Administrator as it deems advisable, and such recommendations shall be considered by the Administrator. Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act, he may, without regard to the foregoing provisions of this subsection, issue temporary regulations or orders establishing as a maximum price or maximum prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulations or orders; but any such temporary regulation or order shall be effective for not more than sixty days, and may be replaced by a regulation or order issued under the foregoing provisions of this subsection.

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(c) Any regulation or order under this section may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions, as in the judgment of the Administrator are necessary or proper in order to effectuate the purposes of this Act \* \* \*.

SEC. 204. (a) Any person who is aggrieved by the denial or partial denial of his protest may, within thirty days after such denial, file a complaint with the Emergency Court of Appeals,

created pursuant to subsection (c), specifying his objections and praying that the regulation, order, or price schedule protested be enjoined or set aside in whole or in part. A copy of such complaint shall forthwith be served on the Administrator, who shall certify and file with such court a transcript of such portions of the proceedings in connection with the protest as are material under the complaint. Such transcript shall include a statement setting forth, so far as practicable, the economic data and other facts of which the Administrator has taken official notice. Upon the filing of such complaint the court shall have exclusive jurisdiction to set aside such regulation, order, or price schedule, in whole or in part, to dismiss the complaint, or to remand the proceeding: *Provided*, That the regulation, order, or price schedule may be modified or rescinded by the Administrator at any time notwithstanding the pendency of such complaint. No objection to such regulation, order, or price schedule, and no evidence in support of any objection thereto, shall be considered by the court, unless such objection shall have been set forth by the complainant in the protest or such evidence shall be contained in the transcript. If application is made to the court by either party for leave to introduce additional evidence which was either offered to the Administrator and not admitted, or which could not reasonably have been offered to the Administrator or included by the Administrator in such proceedings, and the court determines that such evidence should be admitted, the court shall order the evidence to

be presented to the Administrator. The Administrator shall promptly receive the same, and such other evidence as he deems necessary or proper, and thereupon he shall certify and file with the court a transcript thereof and any modification made in the regulation, order, or price schedule as a result thereof; except that on request by the Administrator, any such evidence shall be presented directly to the court.

(b) No such regulation, order, or price schedule shall be enjoined or set aside, in whole or in part, unless the complainant establishes to the satisfaction of the court that the regulation, order, or price schedule is not in accordance with law, or is arbitrary or capricious. The effectiveness of a judgment of the court enjoining or setting aside, in whole or in part, any such regulation, order, or price schedule shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (d) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the case by the Supreme Court.

II. (a) Maximum Price Regulation No. 355, sections 1 and 2, as originally issued (8 F. R. 4424):

SECTION 1. This regulation fixes dollar-and-cents ceiling prices on all retail sales of beef, veal, lamb, and mutton cuts made on and after April 15, 1943. The only retail beef, veal, lamb and mutton cuts which may be sold are those described

in section 20 of this regulation. The United States is divided into 12 zones. Different ceiling prices are fixed for sales made in each zone for sales of different grades and for sales made by different classes of retail stores. Your ceiling prices depend on the zone where your store is, its class, and the grade of the meat you are selling. A store includes any place where beef, veal, lamb and mutton cuts are sold at retail.

SECTION 2. (a) You will find your ceiling prices for each grade of beef, veal, lamb and mutton cuts on your "OPA List of Ceiling Prices for Beef, Veal, Lamb and Mutton—Fresh, Frozen, Cured" (Article III, section 22). A copy of the list for each kind of meat for your zone and class may be obtained from your local War Price and Rationing Board or from your local OPA Office.

(b) You can find out from your local War Price and Rationing Board or your OPA office what zone your store is in. After each list of prices in section 22, Article III, there is a description of the zone in which that list of prices applies.

(c) Your store is in "Class 1 and 2" if it had a 1942 total sales volume of less than \$250,000 and if it is not a "chain store". Otherwise, it is in "Class 3 and 4".

(d) Your store is a "chain store" if it is one of a group of four or more stores owned by one person which had a combined total sales volume for all stores of \$500,000 or more during 1942. If you are in doubt whether your store is in "Class 1 and 2" consult the directions given in section 13, 14 and 15.

(b) Maximum Price Regulation No. 355, Section 2 (a), as amended by Amendment No. 3 (8 F. R. 6428):

SECTION 2. (a) If any store had a 1942 total sales volume of \$250,000 or more, and is one of a "chain store" group which had a combined total sales volume for all stores of \$40,000,000 or more during 1942, the ceiling prices for each grade of beef, veal, lamb and mutton cuts applicable to such store shall be 10 percent lower, adjusted to the nearest cent, than the ceiling prices established herein for Class 3 and 4 stores.

(c) Maximum Price Regulation No. 355, Section 2 (a), as amended by Amendment No. 10 (8 F. R. 12237):

SECTION 2. (a) You will find your ceiling prices for each grade of beef, veal, lamb, and mutton cuts on your "OPA List of Ceiling Prices for Beef, Veal, Lamb and Mutton—Fresh, Frozen or Cured" (Article III, § 22) and for variety meats and edible by-products on your "OPA List of Ceiling Prices for Variety Meats and Edible By-Products" (Article III, § 28). A copy of the list for each kind of meat, variety meat and edible by-product for your zone and group may be obtained from your local War Price and Rationing Board or from your district OPA office. If any group 3 and 4 store had during 1941 a total gross margin of 19% or less on its meat department sales of all items including beef, veal, lamb, mutton, pork, poultry, sausage, variety meats and edible by-products, then the ceiling prices applicable to such store for each grade of beef, veal, lamb and mutton cuts shall be 4%



lower, adjusted to the nearest cent, than the ceiling prices established herein for group 3 and 4 stores in the appropriate zone. If the store was not in operation in 1941, then its total gross margin for the department on sales during 1942 shall be used and if it is 19% or less, the above lower prices shall be applicable.

This amendment No. 10 shall become effective September 20, 1943.

(d) Maximum Price Regulation No. 355, Section 2, as amended by Amendment No. 12 (8 F. R. 14738):

SECTION 2. You will find your ceiling prices for each grade of beef, veal, lamb and mutton cuts on your "OPA List of Ceiling Prices for Beef, Veal, Lamb and Mutton—Fresh, Frozen or Cured" (Article III, § 22), and for variety meats and edible by-products on your "OPA List of Ceiling Prices for Variety Meats and Edible By-Products" (Article III, § 28), and for miscellaneous beef items on your "OPA List of Ceiling Prices for Miscellaneous Beef Items" (Article III, § 29). A copy of the list for each kind of meat, variety meat, and edible by-product, and for miscellaneous beef items for your zone and group may be obtained from your district office of the Office of Price Administration.

(b) You can determine from your local War Price and Rationing Board on your OPA office what zone your store is in. After each list of prices in section 22, Article III, there is a description of the zone in which that list of prices applies. The zones are the same for variety meats and edible by-products except that Zone 4a, which

is described at the end of section 28, Article III, is taken out of Zone 4 and made into a separate zone.

(c) Your store is in "Group 1 and 2" if its total "annual gross sales" are less than \$250,000 and if it is not a "chain store". Otherwise it is in "Group 3 and 4". To determine your "annual gross sales" consult sections 13, 14 or 15. However, if any "Group 3 and 4" store had during 1941, a total gross margin of 19 percent or less on its meat department sales of all items including beef, veal, lamb, mutton, pork, poultry, sausage, variety meats and edible by-products, it is in "Group 3B and 4B". If the store was not in operation in 1941, then its total gross margin for the meat department on sales during 1942 shall be used, and if it is 19 percent or less it shall be in "Group 3B and 4B".

(d) Your store is a "chain store" if it is one of four or more stores owned by one person which had combined "annual gross sales" for all stores of \$500,000 or more. To determine your "annual gross sales," consult section 13, 14 or 15.

(e) The appropriate regional office of the Office of Price Administration and such other offices as may be authorized by the appropriate regional office may, upon a finding by the Regional Administrator that any price or prices established by this regulation for zone, 2, 3, 5 or 6 will increase the level of prices prevailing in a specific area within the region, issue an order designating such area, suspending the effectiveness of any price or prices herein established, and fixing a lower ceiling price or lower ceiling prices.

(e) Maximum Price Regulation No. 355, Section 2 (f), as added by Amendment No. 16 (9 F. R. 5505):

SECTION 2. (f) Effective May 25, 1944, this regulation requires that the year 1943 be used as the basis for figuring your "annual gross sales" instead of the year 1942. If you find that as a result of that change, your store is now in a group different from the one it was in before, you must, on and after June 15, 1944, use the ceiling prices fixed for the group in which you are now classified.

